

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

8 GREGORIO PEREZ LOZA,)
9 Petitioner,) 3:06-CV-00450-LRH-VPC
10 vs.)
11 DWIGHT NEVEN, *et al.*,)
12 Respondents.)

14 Petitioner has filed an Ex Parte Motion for Appointment of Counsel (docket #11)
15 asserting that the issues in his case are complex and that he is unable to adequately represent himself.

16 There is no constitutional right to appointed counsel for a federal habeas corpus
17 proceeding. *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987); *Bonin v. Vasquez*, 999 F.2d 425, 428
18 (9th Cir. 1993). The decision to appoint counsel is generally discretionary. *Chaney v. Lewis*, 801
19 F.2d 1191, 1196 (9th Cir. 1986), *cert. denied*, 481 U.S. 1023 (1987); *Bashor v. Risley*, 730 F.2d
20 1228, 1234 (9th Cir.), *cert. denied*, 469 U.S. 838 (1984). However, counsel must be appointed if the
21 complexities of the case are such that denial of counsel would amount to a denial of due process, and
22 where the petitioner is a person of such limited education as to be incapable of fairly presenting his
23 claims. See *Chaney*, 801 F.2d at 1196; *see also Hawkins v. Bennett*, 423 F.2d 948 (8th Cir. 1970).

24 The petition on file in this action is well written and sufficiently clear in presenting
25 the issues that petitioner wishes to bring. It does not appear that counsel is justified in this instance.
26 The motion shall be denied.

IT IS THEREFORE ORDERED that the motion for appointment of counsel (docket #11) is denied.

Dated this 16th day of November, 2006.

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**LARRY R. HICKS
UNITED STATES DISTRICT JUDGE**